

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 02 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

RALPH CHETRAM NARAINÉ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72974

Agency No. A29-661-720

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 10, 2006^{**}
Pasadena, California

Before: KOZINSKI, TROTT, and BEA, Circuit Judges.

Petitioner, Ralph Chetram Naraine, seeks review of a final removal order of the Board of Immigration Appeals (BIA). We deny Naraine's petition.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The actions Naraine relies on in support of his assertion that he is a battered spouse are discrete events that do not rise to the level of abuse sufficient for Naraine to be considered a battered spouse. There was no “physical or mental injury” and no pattern of domestic violence, rather four or five discrete and isolated acts over seven years. See 8 C.F.R. § 204.2(c)(1)(vi).

Similarly, Naraine’s assertions that his wife’s threats, coupled with the physical acts, constitute “extreme cruelty,” also fail. There is no evidence that Petitioner’s wife’s threats led to manipulation and control. Naraine left his marriage because of finances, not because of threats or mistreatment. Furthermore, like the physical conduct at issue, the threats were discrete occurrences that are not pervasive enough to be considered as an “extreme concept of domestic violence.” See Hernandez v. Ashcroft, 345 F.3d 824, 840 (9th Cir. 2003).

DENIED.